

## REMARKS

Applicants acknowledge indication in the Advisory Action that the reply after final would overcome the 35 USC §112, first and second paragraph rejections.

By this amendment, claim 12 is amended to emphasize what the invention consists of. No issue of new matter arises. Discussion below clearly demonstrates that the present claim 12 distinguishes over the applied art.

The Advisory Action indicated that claims 12-15, 17, 47 and 48 would remain rejected under 35 USC §103(a) as stated in the February 9, 2007 Office Action. Claims 15 and 48 would also be included in this rejection. With respect to claims 15 and 48, the Advisory Action applies Bailleul as teaching art recognized methods for expressing anti-sense molecules, e.g., introducing vectors into cells. Claim 15 claims a cell containing the vector of claim 14; claim 48 claims the cell of claim 15 in a composition with acceptable excipients. Bailleul had previously been applied for a teaching of “nearly 874 consecutive bases in common with the instant SEQ ID NO: 21.” February 7, 2007 Office Action, page 11, lines 3 and 4.

Applicants August 7, 2007 arguments were deemed non-persuasive because “Agrawal et al is not limited to the examples, but includes all that it taught and/or reasonably suggested to one of skill at the time of the invention.” The Advisory Action further explained: that page 8, lines 9-15 and page 16, lines 5-23 taught self stabilized RNA, DNA or both RNA and DNA nucleotides.

“For purposes of the invention, the term oligonucleotide includes polymers of ribonucleotides, deoxyribonucleotides, or both, with ribonucleotide and or deoxyribonucleotide monomers being connected together via 5' to 3' linkages . . .” Page 8, lines 9-15.

“The self complementary region may contain ribonucleotides, deoxyribonucleotides, analogues of ribonucleotides or deoxyribonucleotides having artificial linkages . . . The ability to activate RNase H is not import for the self complementary regions, . . .”

Pages 9 and 10 were applied for a teaching of complementarity regions “2 to about 50”, “preferably 8-50 nucleotides in length: (Advisory Action, 3 paragraphs form bottom.)

Applicants respectfully traverse this 35 USC §103(a) rejection. While the applied references may be seen as teaching around the instant invention, they cannot properly be said, when taken in their entirety, to teach or suggest the claims at issue. Specifically, Agrawal specifically teaches: “The advantages of oligonucleotides according to the invention, known as self-stabilized

oligonucleotides, arise from the presence of two structural features: a target hybridizing region and a self-complementary region.” Page 5, lines 13-17.

Claim 12 as amended clearly distinguishes over the teachings of Agrawal. For example, the “two structural features” as taught and suggested in Agrawal are not found in the instant claims.

With respect to claims 13, 14, 17 and 47, the Advisory Action proposes an objection to these claims based on logic that a double helix comprising two strands can be a single strand! Applicants respectfully submit that this logic is flawed as “two” and “single” are not compatible equivalents.


### ***Conclusion***

In view of the above amendments and remarks, Applicants respectfully submit that the application is now in condition for allowance and request prompt issuance of a Notice of Allowance. If the Examiner wishes to suggest additional amendment that might put the application in even better condition for allowance he is invited to contact Applicants’ representative at the telephone number listed below.

### ***Fees***

No fees not otherwise provided for are believed necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

Respectfully submitted,

  
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George S. Jones, Reg. No. 38,508  
Attorney for Applicants

sanofi-aventis U.S. Inc  
Patent Department  
Route #202-206 / P.O. Box 6800  
Bridgewater, NJ 08807-0800  
Telephone (908) 231-3776  
Telefax (908) 231-2626  
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